

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

George Holmes, #289114, )  
)  
Plaintiff, )  
)  
v. )  
)  
Inv. J. Fraser - BCSO, )  
)  
Defendant. )  
\_\_\_\_\_ )

Civil Action No. 9:11-1204-SB

**ORDER**

This matter is before the Court upon the Plaintiff's pro se complaint, which was filed pursuant to 42 U.S.C. § 1983. In his complaint, the Plaintiff alleges that the Defendant violated his constitutional rights by conducting an illegal, warrantless search in December of 2008.

Pursuant to local rule, this matter was referred to a United States Magistrate Judge. On June 7, 2011, after reviewing the Plaintiff's complaint, the Magistrate Judge issued a report and recommendation ("R&R"), finding that the Plaintiff's complaint fails to state a claim and further finding that this action rises to the level of frivolousness because it is the third suit against the same Defendant related to an underlying state criminal case that has not been set aside, vacated, or otherwise invalidated. Based on this, the Magistrate Judge recommended that the Court dismiss this case without prejudice based on frivolousness and that the dismissal be deemed a "strike" pursuant to 28 U.S.C. § 1915(g).

Attached to the R&R was a notice advising the Plaintiff of his right to file specific, written objections to the R&R within 14 days of being served with a copy. Despite this notice, no objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to

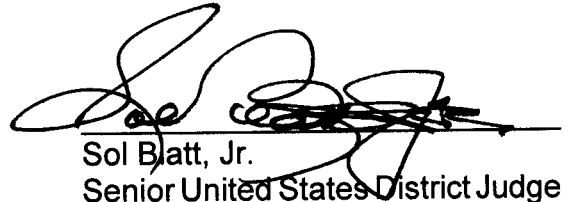
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review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, the Court need not conduct a de novo review of any portion of the R&R. After a review of the record, the Court agrees with the Magistrate Judge's recommendation. Accordingly, it is hereby

**ORDERED** that the R&R (Entry 9) is adopted, and the Plaintiff's complaint is dismissed without prejudice based on frivolousness. It is further ordered that this dismissal constitutes a "strike" pursuant to section 1915(g). See McLean v. United States, 566 F.3d 391, 399-400 (4th Cir. 2009) (noting that a dismissal for frivolousness that is rendered without prejudice may permit a strike designation).

**IT IS SO ORDERED.**

June 27, 2011  
Charleston, South Carolina



Sol Blatt, Jr.  
Senior United States District Judge

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